

# Meeting Minutes

## March 22, 2007

### Town of Los Altos Hills

#### City Council Regular Meeting

Thursday, March 22, 2007 6:30 P.M.  
Town Hall Council Chambers, 26379 Fremont Road

#### 1. CALL TO ORDER, ROLL CALL, AND PLEDGE OF ALLEGIANCE

Mayor Warshawsky called the City Council Regular Meeting to order at 6:50 p.m. in the Council Chambers at Town Hall.

Present: Mayor Dean Warshawsky, Mayor Pro Tem Craig A.T. Jones, Councilmember Breene Kerr, Councilmember Jean Mordo and Councilmember Mike O'Malley

Absent: None

Staff: City Manager Carl Cahill; Public Works Director/City Engineer Henry Louie, Administrative Services Director Sarah Ragsdale, Assistant Planner Nicole Horvitz, City Attorney Steve Mattas, and City Clerk Karen Jost

MOTION SECONDED AND CARRIED: Moved by O'Malley, seconded by Jones and passed unanimously to limit comments from the floor to two minutes.

#### 2. APPOINTMENTS AND PRESENTATIONS

##### 2.1 Consideration of Appointment of Councilmember Delegate to ABAG's Spring General Assembly and Annual Business Meeting (continued from 3/8/07)

Following a brief discussion, Council determined that their schedule was not amenable to their attendance at ABAG's annual business meeting. The City Manager advised Council that a recent amendment to ABAG's bylaws permitted the City Manager to act as the Town's official representative and voting delegate if it was determined that no elected official could attend the session.

MOTION SECONDED AND CARRIED: Moved by Jones, seconded by Mordo and passed unanimously to appoint the City Manager as the Town's voting delegate to ABAG's annual business meeting.

### 3. PLANNING COMMISSION REPORT

- 3.1 Lands of Zanjani and Saffari: Request for a Conditional Use Permit and Variance to Allow Two Surface Parking Spaces and a Trash Enclosure to Encroach into the Side Setbacks, 24624 Summerhill Avenue (File #90-ZP-SD-CDP-VAR)

City Manager Cahill advised Council that Planning Director Pedro was not in attendance due to her participation in a Planning Conference. He provided an overview of the Commission's action at their last meeting. The Commission had approved the referenced project with a 4-1 vote. The approval was consistent with previous Planning Commission approvals to permit required parking in a setback on substandard lots in this neighborhood.

### 4. CONSENT CALENDAR

Item Removed: Item 4.6 (Kerr)

MOTIONE SECONDED AND CARRIED: Moved by Mordo, seconded by O'Malley and passed unanimously to approve the remainder of the consent calendar, specifically:

- 4.1 Approval of Minutes: Regular City Council Meeting March 8, 2007  
Special City Council Meeting March 8, 2007
- 4.2 Review of Disbursements: 2/28/2007 – 3/3/2007 \$529,364.29
- 4.3 Monthly Financial Report
- 4.4 Adoption of Amendment to Standing Committee Resolution 104-06  
Establishing the Education Standing Committee – Resolution No.10-07
- 4.5 Amendment to the Town of Los Altos Hills Municipal Code: Chapter 1, Title II Pertaining to Regular Meetings (SECOND READING)-Ordinance 506

Item Removed:

- 4.6 Approval and Authorization of the Filing of an Application for Federal Surface Transportation Program (STP) and Congestion Mitigation and Air Quality Improvement (CMAQ) Funding and Commitment of the Necessary Non-Federal Match Fund for El Monte Road Bicycle/Pedestrian Pathway Project

Councilmember Kerr explained that he had removed this item from the consent calendar for separate consideration to permit a brief update of the pathway project. He reviewed the grants that the Town was seeking that would be applied to different segments/phases

of the El Monte Road Bicycle/Pedestrian Pathway Project. They included funding allocations from the VTA, Federal Transportation Agency and State of California.

MOTION SECONDED AND CARRIED: Moved by Kerr, seconded by Jones and passed unanimously to adopt Resolution No.11-07 approving and authorizing the filing of the application for STP and CMAQ funding and to commit the necessary non-federal match funding for the El Monte Road Bicycle/Pedestrian Pathway Project.

Council thanked Councilmember Kerr and City Engineer Louie for their efforts on the project.

## 5. UNFINISHED BUSINESS

### 5.1 Town Goals

#### 5.1.1 Public Education: Bring Public Education Back to Los Altos Hills Accessible to Children of All Residents

Mayor Pro Tem Jones provided a brief update on education in Los Altos Hills. He noted that there were numerous important issues scheduled for discussion in the near term including: Los Altos School District board meetings where the attendance boundaries and Bullis campus construction details would be addressed and the Memorandum of Understanding (MOU) between the two school districts regarding intra district transfers that had yet to be finalized. Jones reiterated the importance of the newly formed Education Standing Committee and their role in monitoring on-going education matters.

The City Clerk advised Council that she had advertised the membership opportunities in the Town Crier and had scheduled committee appointments for Council's consideration at their next regular meeting.

#### 5.1.2 Underground Utilities: Complete Pilot Projects and Assist Underground Assessment Districts

City Engineer/Public Works Director Henry Louie reported that AT&T had completed their design for the project. The project is currently on time and the Form B application would be submitted to PG&E within the week.

Councilmember O'Malley advised Council that the Parks and Recreation Committee had requested assurance that the project would not start during Little League season and before the Town picnic. Louie assured Council that the project would not impact either activity.

#### 5.1.3 Sanitary Sewers: Update and Implement the Master Plan

##### 5.1.3a Los Altos Hills Sanitary Sewer Expansion Study

Council had before them a copy of the "Draft-Los Altos Hills Sanitary Sewer System Expansion Study Plan dated March 2007" prepared by WRECO. City Engineer/Public Works Director Henry Louie reviewed the study with Council. The "Plan" was

developed to assist the Town with infrastructure planning and future expenditures on a sanitary sewer system. The ultimate goal is to provide sanitary sewer service town-wide. The total projected cost for the project was \$28 million for approximately 1900 properties including the Sphere of Influence residences or approximately \$16,000 per property. The plan identified 41 expansion projects and seven replacement projects. Mayor Pro Tem Jones noted that the study provided a valuable cost estimate for providing sewer service to residences that were currently not being served and completing the “backbone” to sewer service in the Hills. He suggested that it would be helpful for the Ad Hoc Committee on Infrastructure to review the different options for financing a sewer project of this magnitude and the estimates of number of hookups that would be required to repay a loan or bond. Jones added that this was a worthwhile project that provided a needed service; could become a needed necessity; and, could potentially pay for itself.

Council thanked Louie. Councilmember O’Malley commented that it would be a working tool for the newly established Ad Hoc Infrastructure Committee. The Committee would review options for financing the project and engage with staff and consultants to investigate the feasibility of a revenue neutral project for the Town.

#### 5.1.4 Wireless Communications: Continue to Improve Town Wide Cell Coverage

City Manager Cahill reported that there was no change in the status of the existing project applications.

#### 5.1.5 Complete General Plan Review

Councilmember O’Malley reported that the Ad Hoc Committee was continuing to meet on a regular basis and currently working on the Safety Element. Duffy Price, President of the Los Altos Hills County Fire District attended their last session and participated in the review discussion. The General Plan update has been scheduled for review by the Planning Commission on March 5, 2007 and Council at their March 26, 2007 meeting.

#### 5.1.6 Develop Plan For and Begin the Process of Approval of the Building of a New Town Park/Recreation Facility

##### 5.1.6a Results of Resident New Facilities Survey

City Manager Carl Cahill addressed Council. At the direction of Council, staff had conducted a mail in survey of resident preferences for a new recreation facility. To date, the Town had received 965 responses. Cahill proceeded with a PowerPoint presentation that included graphs illustrating the findings that included: a community park as the first choice of the respondents; the number of times a selection appeared in the top three choices with community park, soccer field and aquatic facility receiving the most votes; and the number of times the “first choice” of the respondents appeared in the top three choices. The packets before Council also included a list of residents’ comments collected from the returned surveys.

City Manager Cahill thanked Administrative Services Director Sarah Ragsdale for preparation of the graphs and Parks and Recreation Committee member Valerie Metcalfe for tabulating the results. He offered that a consultant performing a similar task would have cost the Town \$5,000-\$10,000 and noted that it was a remarkable volunteer effort.

Mayor Pro Tem Jones thanked staff and the Parks and Recreation Committee. He acknowledged that the findings were important community input and that the Ad Hoc Committee on Recreation Field and Facility Investments would review the report. He invited anyone that was interested in forwarding comments regarding their interpretation of the data to send an email to any of the Ad Hoc committee members that included Councilmember Kerr or himself. Jones suggested that park land that included a picnic area, soccer field and a basketball court would incorporate approximately 43% of the “first choice” selections of respondents. Cost would be a factor in determining the Town’s ultimate choice but the data was a valuable indicator as to resident preferences for new facilities.

COUNCIL RECESSED AT 8:15 P.M.

COUNCIL RECONVENED TO OPEN SESSION AT 8:20 P.M.

6. NEW BUSINESS

- 6.1 Consideration of Friends of Westwind Compliance with Lease Terms in the January 2004 Lease between the Town of the Los Altos Hills and the Friends of Westwind and Consideration and Direction Regarding Remedies Provided in the Lease (continued from 3/8/07)

Mayor Warshawsky explained that as a result of their closed session discussions, City Attorney Steve Mattas had recommended that the Council consider a motion to withdraw Agenda item 6.1.

MOTION SECONDED AND CARRIED: Moved by Mordo, seconded by Kerr and passed unanimously to withdraw item 6.1 from the agenda.

- 6.2 Consideration of Operating Agreement with Friends of Westwind

City Attorney Steve Mattas introduced the item to Council. The item before them related to the Lease and draft Operating Agreement between the Town and the Friends of Westwind. At the March 8, 2007 Council meeting, the Friends had provided a document through their Board Chairperson that included acceptable terms to both the Town and Friends. These included Sections 1, 3, 4, 5, 6, 7, 8, 9, and 10 of the Agreement. Mattas advised that the Council had provided direction as to additional changes desired by the Town as they applied to Section 2. The Town communicated their request for changes through the Friend’s Chairperson and the Board of Friends subsequently met to address the outstanding issues. Mattas explained that one of the changes in the governance structure requested by the Town, allowed only Friends members that were Town residents to vote for the election of Board members. Friends accepted the provision. The two remaining issues identified in the final communication from Friends applied to

changes of Subsection F of Section 2 of the Agreement. Specifically, these pertained to: 1) the process that the Town would follow if the Friends requested an additional “boarder” beyond those anticipated in the Agreement be seated on the Friends Board of Directors; and, 2) requested the number of “boarders” permitted on the Board be changed from a maximum of two to three. The first issue as modified would give the Town the unilateral right or option to give the Friends thirty days notice and require an action of the City Council.

Mattas offered that all other terms of the Agreement that pertained to governance were acceptable to the Friends. For the benefit of the public, he reviewed the terms that had previously been agreed to by Council. They included: 1) The Board of Directors shall consist of seven members; 2) All board members, with the exception of the 4-H representative would be residents of the Town; 3) Current Board members positions would be grandfathered through June 2008; 4) No Board member should have a financial interest in Westwind other than a maximum of three horses boarded at the Barn; 5) No elected official or relative of elected officials of the Town would serve on the Board; 6) One voting representative on the Board would be a 4-H member and one Board seat would be preferentially assigned to a neighbor of Westwind; 7) A Board member who did not attend two (2) consecutive meetings and did not contribute a significant amount of time could be voted off the Board by the other Board members; 8) Board members would be limited to three consecutive terms of three years each; 9) Only Friends members who were Town residents would be permitted to vote for members of the Friends Board of Directors; and 10) Friends would provide the Town a certified copy of their election results following each election.

Mattas advised that the Council should consider the changes and if they concurred with the two changes that he had identified, there would be agreement with the Friends Board of Directors and the Operating Agreement would be approved by both parties. The Friends would be required to amend their Bylaws pursuant to the new agreement by April 30, 2007.

Mayor Pro Tem Jones tendered a motion to approve the new Operating Agreement including Section 2 as approved by the Friends of Westwind Board of Directors. Motion was seconded by Mordo. Council discussion ensued.

Councilmember Mordo voiced his disagreement with the last minute changes. He did not believe they were necessary but suggested that they would not have any substantial impact. Mordo favored only two Board members having horses boarded at the Barn and suggested that additional boarding members might cause the Board to focus too much on the minutia of the Barn. Mordo preferred a new Board rather than the grandfather clause but added that everyone had worked very hard to find a positive resolution and he could vote for the revised agreement as presented.

Councilmember Kerr thanked Councilmember Mordo for the diligence that he had exercised in working towards a solution and the President of the Board for her efforts. He suggested that the Town now had a historic opportunity to move forward in a positive

manner towards restoration of the Barn and expansion of the use of the facility by Town residents. He supported Council approval of the Agreement.

Councilmember O'Malley commented that he understood the Council's position of wanting control of the Board by Town's residents giving the mistreatment of the Town by the school districts. However, the Friends had successfully managed the Barn for 28 years in the manner desired by the Town with no management cost to the Town. O'Malley added that the Friends had raised over \$100,000.00 to build and redo the arenas and given preferential treatment to the 4-H Handicapped and Town riding programs over their own use. He noted that this was an Agreement acceptable to and proposed by the Friends and at this time it was important to move forward and he supported approval of the Agreement.

Mayor Pro Tem Jones reviewed the principles that had been enunciated by the Ad Hoc Committee on Westwind Barn. He suggested that Friends acceptance of the terms of the Agreement demonstrated their understanding of the significance of accountability to the Council and taxpayers; the control of the governing body of the Barn by Town residents; and the importance of accommodating the Town's riding programs at Westwind. Jones thanked the Friends and Councilmembers Mordo and Kerr for their efforts to achieve a balanced Agreement.

Mayor Warshawsky thanked Councilmembers Kerr and Mordo for their efforts on the Agreement. Warshawsky offered that when the debate on governance had first surfaced, he had favored the Town being involved as much as possible, noting the importance of the Barn as a community asset. He favored the Town having full control of managing the Barn and hoped there would be an opportunity for a dialogue on the subject in the future. At this time, he would support approval of the Operating Agreement.

**MOTION SECONDED AND CARRIED:** Moved by Jones, seconded by Mordo and passed by the following roll call vote to approve the new Operating Agreement including Section 2 as approved by the Friends of Westwind Board of Directors.

AYES: Warshawsky, Jones, Kerr, Mordo and O'Malley

NOES: None

ABSENT: None

ABSTAIN: None

**6.3 Designation of City Council Member to Assist the City Manager in Review of Option to Extend Term of Franchise Agreement with Los Altos Garbage Company and Negotiation of Allowable Expense**

Los Altos Garbage Company General Manager John Zirelli addressed Council. He explained that the Franchise Agreement between the Town and the Garbage Company was set to expire in September 2008. The agreement required a notification from LAGCO no later than eighteen months prior to the termination date (March 30, 2007) to invoke the 5-year contract extension. Zirelli offered that he was requesting the Town establish a subcommittee to explore the extension and contract compensation. He noted

that under the current contract formula, LAGCo would be unable to exercise the 5-year contract extension due to escalating operating costs.

City Manager Cahill explained that the agreement did allow for special adjustments. Historically, the Town has used the process of a subcommittee consisting of staff and a Councilmember to review major agreements and he anticipated that the review would be completed within 60 days.

Councilmember Kerr expressed his hope that the company would consider modernizing their fleet with more fuel efficient trucks and trucks that would require less frequent trips. Kerr noted that they were the largest user of fuel in Town. Mayor Pro Tem Jones concurred with Kerr's position to broaden the task of the subcommittee to investigate options that would achieve a reduction in the use of conventional fossil fuel and to review the associated costs.

Zirelli commented that LAGCo was sensitive to the Town's environmental issues and they were currently looking at different fuel options including use of the biodiesel B20.

Councilmember Mordo volunteered to work with the City Manager on the subcommittee. He questioned if the Town had an obligation to get competing bids for the Franchise. City Attorney Mattas explained that there was no obligation to seek bids but if desired, it was permitted. Council consensus was that the company was providing excellent service to the community.

City Manager Cahill offered that the Town was planning on surveying other LAGCo customers to determine their level of satisfaction with the purveyor.

**MOTION SECONDED AND CARRIED:** Moved by Jones, seconded by O'Malley and passed unanimously to appoint Councilmember Mordo to serve as the Council representative on the subcommittee reviewing the Franchise agreement between the Town and Los Altos Garbage Company.

#### 6.4 Consideration of Mid-Year Budget Adjustments

Administrative Services Director Sarah Ragsdale introduced this item to Council. Council had before them a staff report that included: the Fund Balance/Retained Earnings Summary; Revenue Budgets; Expenditure Budgets; and, Interfund Transfers. Ragsdale offered that the item was a request for a mid-year budget adjustment and directed the Council to the spreadsheet titled Attachment 1 to her staff report. She reviewed the columns with Council and noted that revenues were up in comparison to expenditures in part due to the passage of AB117 and savings in operating areas.

Mayor Pro Tem Jones offered that Ragsdale's reporting method followed the recommended governmental accounting standards and was also presented in an acceptable business reporting format that was more understandable. He congratulated the Administrative Services Director on her efforts.



MOTION SECONDED AND CARRIED: Moved by Kerr, seconded by Mordo and passed unanimously to approve Resolution No.12-07 "Adopting Budget Changes for Fiscal Year 2007".

#### 6.5 Consideration of Revised Solar Expansion Project

City Engineer Henry Louie summarized the project before Council. Council at their November 9, 2006 meeting directed staff to re-evaluate a proposal for the Council approved solar expansion project at Town Hall. After completion of the preliminary engineering study and an in-depth discussion with the Environmental Initiatives Committee, a second Request for Proposal (RFP) was sent out to consultants. On March 7, 2007, the Town received three proposals. The low bid was submitted by SolarCity in the amount of \$78,530.00 for the installation of three solar trackers. The Performance Base Rebates over the first five years was estimated at approximately \$43,000.00 with a net system cost of \$35,420.00. Louie expected the system cost to be recovered in 8.4 years.

Councilmember Kerr offered that the project costs were less than expected and the trackers would serve as a good demonstration project for residences interested in different methods of solar energy.

Council thanked Kerr for his efforts and supported the project. They concurred that the new proposal had a shorter payback and was more cost effective.

MOTION SECONDED AND CARRIED: Moved by Kerr, seconded by Jones and passed unanimously to adopt Resolution No.13-07 "Awarding a Contract to SolarCity for Engineering and Installation of PV Solar Electric System Expansion (Phase III) at Town Hall".

#### 6.6 Consideration of Meeting Calendar for Adoption of Proposed Operating and Capital Improvement Program Budgets Fiscal Year 2007-2008

Council reviewed the proposed meeting calendar for study, review and adoption of the Proposed Operating and Capital Improvement Program Budgets for Fiscal Year 2007-2008. The Public Hearing to consider the Budget would be scheduled for May 24, 2007 meeting.

MOTION SECONDED AND CARRIED: Moved by Mordo, seconded by O'Malley and passed unanimously to approve the calendar for adoption of the Fiscal Year 2007-2008 Budget.

### 7. REPORTS FROM COMMITTEES, SUB-COMMITTEES, AND COUNCILMEMBERS ON OUTSIDE AGENCIES

Councilmember O'Malley requested Council recognition of the volunteers and staff that had worked on the Edith Park beautification project that included the planting of 4,000 daffodil bulbs.

Councilmember Kerr reported that the Open Space Committee would be making a recommendation to Council in the near future on the Town owned O’Keefe property.

Mayor Warshawsky advised Council that May 21<sup>st</sup> was “Bike to Work Day”. He encouraged Council to support the event.

Mayor Warshawsky reported that resident Al Whaley had volunteered to work on the broadcast system for the Council Chambers. Councilmember Kerr suggested that the item be placed on a future agenda for Council consideration.

Mayor Warshawsky requested Council consideration of the Town being named as a co-sponsor for the memorial service at Hidden Villa scheduled in May for resident Larissa Keet, long time environmental activist. There were no costs associated with the co-sponsorship of the service. Council consensus was to approve the Mayor’s request

## 8. STAFF REPORTS

### 8.1 City Manager

None

### 8.2 City Attorney

None

### 8.3 City Clerk

#### 8.3.1 Report on Council Correspondence

None

## 9. COUNCIL-INITIATED ITEMS

### 9.1 Consideration of Council Vote to Oppose Senate Bill 49 – Mayor Warshawsky

Mayor Warshawsky requested Council consideration of a letter in opposition of Senate Bill 49 that was attempting to prevent the 49ers from relocating to Santa Clara.

Council supported the efforts of the City of Santa Clara and opposed the legislature trying to control the movement of a private business.

**MOTION SECONDED AND CARRIED:** Moved by O’Malley, seconded by Mordo and passed unanimously to authorize the Mayor to send a letter in support of the City of Santa Clara’s efforts to relocate the 49ers to their community.

9.2 Consideration of Council Commitment to “Plug-In Bay Area” and Placement of a “Soft Order” for a Plug-In Hybrid Vehicle for the Town’s Vehicle Fleet- Councilmember Kerr

Councilmember Kerr offered that the item had no associated costs or required any staff time. The “soft order” was an effort to encourage production by auto manufacturers of “plug-in” hybrid vehicles.

Council noted that it was not practical at this time to purchase a plug-in hybrid for the Town’s fleet but that this was a positive effort to encourage the manufacturers.

MOTION SECONDED AND CARRIED: Moved by Jones, seconded by Kerr and passed unanimously to authorize staff to place a soft order for Plug-In Hybrids for the Town’s fleet and approve the Mayor’s signing the Plug-in Partner Commitment Form.

9.3 Consideration of April Council Meeting Schedule – Councilmember Kerr

Council reviewed their meeting schedule for April. Due to the school districts scheduled break, Council consensus was to cancel their first meeting in April.

MOTION SECONDED AND CARRIED: Moved by Jones, seconded by Mordo and passed unanimously to cancel the April 12, 2007 City Council meeting.

10. PRESENTATIONS FROM THE FLOOR

David Struthers, Robleda Road, Los Altos Hills representative to the Los Altos Library Commission, provided a brief summary of current activities at the library. He was very impressed with the library’s access as a viable community center and the many programs that were offered for children including story hour and tutoring for school age children. The tutoring service was sponsored by a grant from the state and could be accessed from the library’s computers or from a resident’s computer at home. Struthers stressed the importance of everyone supporting our local library.

11. PUBLIC HEARINGS

11.1 Appeal of the Planning Commission’s Decision to Approve a 6’ Open Wire Mesh Fence and a 6’ Wrought Iron Driveway Gate, Lands of Papp, 13236 Simon Lane CEQA Exemption: 15303 (File # 180-06-ZP)(Continued from 3/8/07)(Applicant has Withdrawn Request for Easement Encroachment)

Mayor Warshawsky introduced new hire Assistant Planner Nicole Horvitz and welcomed her to the Town staff.

City Manager Cahill provided an overview of the project application before Council. Customarily fence applications were reviewed and approved administratively. The Papp application, however, had been forwarded to the Planning Commission because the applicant had requested an exception to the Fence Ordinance for a minor encroachment

into a pathway easement. The Planning Commission had approved the request with a 3-2 vote. Subsequently, Councilmember O'Malley appealed the approval to permit Council discussion of the legal ramifications with the permitted fence encroachment within a pathway easement.

At the Council meeting of March 8, 2007, the City Council opened and continued the public hearing of this item. Cahill offered that the applicant had since amended his application and was currently proposing to construct the fence outside the pedestrian/equestrian easement. Cahill explained that the revised fence application before Council fully complied with the Town's Fence Ordinance and was consistent with the terms of the pathway easement on the property.

Cahill proceeded with a PowerPoint presentation that included a diagram of the property's boundaries; the siting of the new proposed fence, existing fence, and pedestrian and equestrian trail easement on the property; and, a photo simulation of the proposed fence at the intersecting property lines of Lands of Papp and Lands of Sakamoto. Pursuant to the Town's current codes, the property owner was entitled to build his fence along his property line. However, to accommodate his neighbor, Mr. Papp had offered to offset his fence from the property line. The proposed fence was a 6 foot wooden frame fence with a wire mesh.

Staff recommended approval of the application as presented. Cahill suggested that any additional discussion of the siting of the fence should occur between neighbors and that Town should not impose any additional setback to the fence.

#### OPENED PUBLIC HEARING

Mr. Papp, applicant, explained that the estimated cost of the attorney's review of his application had been key to his decision to amend his application and relocate his fence. He noted that his neighbor had originally been amenable to the fence location between their properties but has since requested relocation of the fence due to her expressed concern that she would have difficulty moving her horse in the event of a fire. Papp has agreed to adjust the fence and work with his neighbor to accommodate her concerns.

Alice Sakamoto, Simon Lane, addressed Council. She stated that she was of the opinion that the construction of fences was detrimental to maintaining the open rural nature of Los Altos Hills. She noted that with approval of this application, her property would be enclosed by her neighbors' fences and negatively impact her view. Sakamoto suggested that the fence would prohibit the movement of large wild life and hoped the Council would revisit the current fence ordinance. Sakamoto explained that she was not opposed to all fencing and currently has a fence to corral her horse, but wanted to be sure that fences were appropriate to maintaining a rural environment.

#### CLOSED PUBLIC HEARING

Council discussion ensued. They were appreciative of the applicant's efforts to work with his neighbor to find an amenable solution to address her concerns. They noted that

the application complied with the Town's zoning ordinances and the proposed construction was rural in nature and character. Council consensus was approval of the project.

Councilmember Kerr offered that he would like to review the current fence ordinance in the future. He was concerned that neighborhoods similar to Mr. Papp's were being negatively impacted and losing their rural nature with fences. Mayor Pro Tem Jones noted that it was a balancing act between property rights, safety concerns and the individual characteristics of each property. Mayor Warshawsky concurred, adding that as property values have increased, fencing of property has become more important to individuals.

**MOTION SECONDED AND CARRIED:** Moved by Jones, seconded by Mordo and passed unanimously to approve the application as submitted subject to the Conditions of Approval attached in the staff report dated March 22, 2007.

City Manager Cahill advised Council that the community survey that was currently being conducted on zoning issues did contain a question regarding fences. Once the results were available, they might provide direction to the City Council and Planning Commission on how to proceed with the Fence Ordinance.

Council adjourned to Closed Session at 9:35 p.m.

## 12. CLOSED SESSION

### CONFERENCE WITH REAL PROPERTY NEGOTIATORS:

Pursuant to Government Code Section 54956.8

Property: APN 182-52-009 (Town-owned property on Story Hill Lane)

Agency Negotiators: Carl Cahill and Steve Mattas

Under Negotiation: Terms of Sale

### CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION:

Pursuant to Government Code Section 54956.9(a)

Gheyri v. Town of Los Altos Hills, et al

### CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

(Pursuant to Government Code Section 54956.9(c))

Initiation of Litigation: One Case

Council reconvened to Open Session at 9:50 p.m.

Report out of Closed Session: Nothing to Report.

## 13. ADJOURNMENT

There being no further business, the meeting was adjourned by consensus of the Council at 9:50 p.m.

Respectfully submitted,

Karen Jost  
City Clerk

The minutes of the March 22, 2007 Regular Meeting were approved as presented at the April 26, 2007 Regular Meeting.